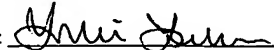


02-02-06 office petition DAC JTW

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 841967617 US, on the date shown below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: February 1, 2006

Signature:

  
(Yuki Tsukuda)

Docket No.: 02008/150001  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Masashi Miyazaki et al.

Application No.: 10/780,286

Confirmation No.: 7081

Filed: February 17, 2004

Art Unit: 2857

For: TESTING APPARATUS

Examiner: H. D. Wachsman

MS Petitions Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**22511**  
PATENT TRADEMARK OFFICE

**PETITION UNDER 37 CFR § 1.313**

Dear Sir:

Applicant hereby petitions to withdraw the above application from issue under 37 CFR § 1.313(c)(2) for consideration of a request for continued examination filed herewith under 37 CFR § 1.114. Applicant also submits herewith the fee for same as required under 37 CFR 1.17(e) along with the petition fee required under 37 CFR 1.17(h).

Please charge any other charges not covered, or apply any credits, to Deposit Account 50-0591 (Reference Number 02008/150001).

Dated: February 1, 2006

Respectfully submitted,

By 

Thomas K. Scherer  
Registration No.: 45,079  
OSHA · LIANG LLP  
1221 McKinney St., Suite 2800  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)  
Attorney for Applicant

02/03/2006 CCHAU1 00000003 10780286

01 FC:1464

130.00 0P



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**

(Fees are subject to annual revision)

**Send completed form to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/780,286-Conf. #7081
Filing Date	February 17, 2004
First Named Inventor	Masashi Miyazaki
Art Unit	2857
Examiner Name	H. D. Wachsman
Attorney Docket Number	02008/150001

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees).

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-0591 :  
☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.36(a) – for revocation of a power of attorney by fewer than all applicants.
- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.

Signature

Thomas K. Scherer

Typed or printed name

February 1, 2006

Date

45,079

Registration No., if applicable

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 841967617 US, on the date shown below in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: February 1, 2006

Signature:

(Yuki Tsukuda)